

12-22-03

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Report

Patent



In re Patent Application for:

Tom R. Vandermeijden, et al.

Serial No.: 09/945,414

Filing Date: August 31, 2001

For: METHOD AND APPARATUS FOR
USING CALLER ID INFORMATION
IN A BROWSER OF A MOBILE
COMMUNICATION DEVICE

Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Banks Harold, Marsha

Group Art Unit: 2686

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December 19, 2003

(Date of Deposit)

Julie Arango

(Printed name)

Julie Arango

(Signature)

12/19/03

(Date)

REQUEST TO RESCIND THE REQUEST FOR NON-PUBLICATION

Sir:

Applicants hereby rescind the Request for Non-Publication under 35 U.S.C. § 122(b) that was filed on August 31, 2001 pursuant to 35 U.S.C. §§ 122(b)(2)(B)(iii) and (iv).

The undersigned attorney for applicants has only recently realized that the Request for Non-Publication may have been submitted in error (Applicants do not concede this point), given that the present application incorporates by reference one or more U.S. Patents and/or Patent applications which have counterparts filed in a foreign country and/or under multilateral international agreement before the filing date of the Request for Non-Publication. Subsequent to the filing of the aforementioned Request, it came to Applicants' attention that the U.S. Patent and Trademark Office is taking the position that, under these circumstances, a Request and Certification under 35 U.S.C.

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122(b)(2)(B)(i) would be improper. Any delay in filing this request has been unintentional.

Applicants respectfully submit that this Request to Rescind is proper even though it is being filed more than 45 days after the filing dates of the foreign/international counterpart(s) of said one or more U.S. Patent(s) and/or Patent application(s) that are incorporated by reference, given that the delay in submitting this request was unintentional.

Further, applicants respectfully submit that the present application is not abandoned under 35 U.S.C. § 122(b)(2)(B)(iii), because the above-mentioned foreign/international counterpart(s) was/were filed prior to the filing date of the Request for Non-Publication.

If there is any fee required in connection with this request, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12/19/03



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FEET TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	09/945,414
Filing Date	August 31, 2001
First Named Inventor	Tom R. Vandermeijden
Examiner Name	Banks Harold, Marsha
Group/Art Unit	2686
Attorney Docket No.	3399P066

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METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)			

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		20*	=	
		3 =		

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)			

**or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet.
2053	130	2053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920 * Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840 * Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	1,210	2255	605 Extension for reply within fifth month
1404	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	2451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive - unavoidable
1453	1,330	2453	665 Petition to revive - unintentional
1501	1,330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	2460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	1809	385 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR § 1.129(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			
SUBTOTAL (3)		(\$)	

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Name (Print/Type)	Jordan M. Becker	Registration No. (Attorney/Agent)	39,602	Telephone	(408) 720-8300
Signature				Date	12/19/03

Based on PTO/SB/17 (08-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 08/11/2003.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450